

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

VS.

CRIMINAL CASE NO. 3:17cr72CWR-FKB

**JOSHUA MICHAEL GARCIA and
JAMISON LAYNE TOWNSEND**

**ORDER SETTING DEADLINE FOR NOTICE
FROM DEPARTMENT OF JUSTICE ON DEATH PENALTY**

This matter came before the Court on this date for a telephonic status conference with counsel for the Government and for each Defendant to discuss what could be done to advance this case on the docket. Counsel presented arguments to the Department of Justice on July 15, 2019, on whether DOJ should seek the death penalty in this case. Since that time, there has been no decision. If a decision is made not to seek the death penalty, the Court will have to make substantial adjustments to the representation provided thus far, and then the case can be set for trial as any other criminal matter. If a decision is made to seek the death penalty, major strategic decisions must be made by counsel that will entail additional work, and the Court will need to enter a scheduling order that accommodates these efforts. For this reason, the Court has heretofore refrained from setting this case for trial until DOJ announces its decision.

At this point, however, the case is nearly three years old. The families of the victims are entitled to a resolution of this case within a reasonable amount of time. The public also has an interest in the timely resolution of criminal cases. Additionally, the

Court must be able to clear its calendars of cases that remain dormant because of the inaction or dilatoriness of the parties seeking relief, so as to achieve the orderly and expeditious disposition of cases. During the hearing, counsel for the Government represented to the Court that the DOJ decision would be made within the next 90 days, and she made an *ore tenus* motion that the Court grant the prosecution that amount of time to notify the Court and defense counsel as to whether the death penalty would be sought in this case. There being no objection from the Defendants, the Court is inclined to grant the motion. In so doing, however, the Court remains mindful of its responsibilities to the surviving family members who are also victims of the crimes at issue here. The Court also remains mindful of its responsibility to clear its docket and to expedite the administration of justice.

IT IS, THEREFORE, ORDERED that the Government's *ore tenus* motion for 90 days within which to notify the Court and opposing counsel of its intent to seek the death penalty in this case is hereby **granted**, and the notice shall be given within 90 days of the entry of this Order.

IT IS SO ORDERED, this the 11th day of February, 2020.

s/Carlton W Reeves
UNITED STATES DISTRICT JUDGE